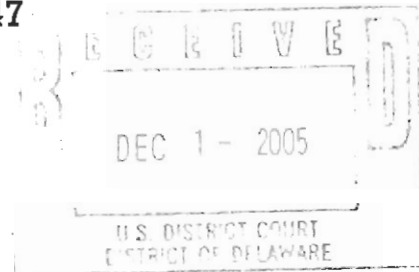


John H. Benge, Jr.
Sussex Correctional Institution
P.O. Box 500
Georgetown, DE 19947
November 28, 2005

ORIGINAL



The Honorable Gregory M. Sleet
United States District Court
United States Court House
844 North King Street
Wilmington, DE 19801

Re: Motions To Extend Time
Benge v. Kearny
C.A. Nos. 05-0550
05-0551

Dear Judge Sleet:

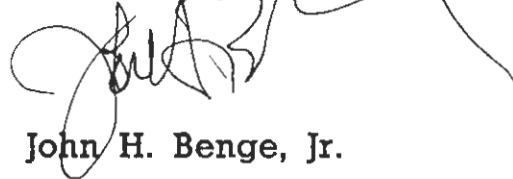
The Court is in receipt of Mr. Thomas's motions on behalf of the State to extend the time for the filing of answers to the *habeas corpus* petitions pending in the above cases. I am aware of the provisions of Local Rule 7.1.1.

I am certain that Your Honor will be inclined to grant the State's motions. However, because of the reason set forth below I respectfully request that the Court, in doing so, condition the extension granted upon no further such extensions in the future despite the approach of the holiday season.

Mr. Brown may be somewhat too dismissive in his assertion that the additional time requested by the State "...will not result in any prejudice to the petitioner." (motions, ¶4). Without prejudice to any of the other claims for *habeas corpus* relief set forth in the petitions, I do wish to point out that I have pleaded a *Blakely v. Washington*, 542 US ____ (2004) 6th

Amendment challenge to Delaware's sentencing scheme. If I had been sentenced to the maximum periods of incarceration permissible under the Delaware sentencing guidelines, I would have been released from prison on February 16, 2005.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "John H. Bengé, Jr.", written over the typed name.

John H. Bengé, Jr.

cc: Thomas E. Brown, Esq.
Clerk of the Court

I/M: J. Benge BLDG: MERW
 SUSSEX CORRECTIONAL INSTITUTION
 P.O. BOX 500
 GEORGETOWN, DELAWARE 19947



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